

FILE NO.: Z-7218-A

NAME: Boyle Building Short-form PCD

LOCATION: Located at 500 South Main Street

DEVELOPER:

Chi Hotel Group LLC
12206 West Markham Street
Little Rock, AR 72211

SURVEYOR:

Paul Fleming
18 Essay Drive
Little Rock, AR 72223

AREA: 0.193-acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 1

PLANNING DISTRICT: 5 - Downtown

CENSUS TRACT: 44

CURRENT ZONING: UU, Urban Use District

ALLOWED USES: Uses as allowed in the Residential, Office, Commercial and Industrial zoning districts – all indoor uses.

PROPOSED ZONING: PCD

PROPOSED USE: UU, Urban Use District uses and allow multi-family at a density greater than currently allowed in the UU, Urban Use Zoning District.

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a rezoning of the site from UU, Urban Use District to PCD, Planned Commercial Development District, to allow the redevelopment of the Boyle Building as a mixed use development. The applicant has indicated the development will potentially include multi-family at a density greater than currently allowed in the UU, Urban Use Zoning District.

According to the applicant the building is currently vacant and awaiting revitalization. The planned uses of the Boyle Building include hotel, office, commercial tenants on the ground floor of the structure, and up to 96 apartments. The building will be repurposed and revitalized in a single phase.

B. EXISTING CONDITIONS:

Renovations on the building have begun but appear to have stopped. The building is a multi-story building (12-stories) built in 1909. This area of Main Street is currently under significant renovation and redevelopment. The Little Rock Technology Park is located to the east of the site on the northeast corner of Capitol Avenue and Main Street and State of Arkansas owned property is located on the southeast corner of Capitol Avenue and Main Street. North of the site, across Capitol Avenue is a surface parking lot. West of the site are office buildings and uses.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Downtown Neighborhood Association and the MacArthur Park Property Owners Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Little Rock Water Reclamation Authority: Sewer available to this site. Capacity fee analysis required. EAD approval required for food service on site. Contact Little Rock Water Reclamation Authority for additional information.

Entergy: Entergy does not object to this proposal. A developer has already been in contact with Entergy regarding service and preliminary requirements have been discussed. Service is already being provided to the property via an electrical network vault contained in the building. Contact Entergy in advance to discuss any changes to electrical service requirements, or adjustments to existing facilities (if any) as this proposal proceeds.

Centerpoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
3. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
4. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
5. Contact Central Arkansas Water regarding the size and location of the water meter.
6. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's materials and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of a Customer Owned Line Agreement is required.
7. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 501.377.1226 if you would like to discuss backflow prevention requirements for this project.
8. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure zone back flow preventer shall be required.
9. The development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

Fire Department:

1. Maintain Access:
2. Fire Hydrants. Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.
3. Grade. Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade except as approved by the fire chief.
4. Loading. Maintain fire apparatus access road design as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
5. 30' Tall Buildings - Maintain aerial fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D105.1 – D105.4
 - a. D105.1 Where Required. Where the vertical distance between the grade plane and the highest roof surface exceed 30', approved aerial fire apparatus access roads shall be provided. For the purposes of this section the highest roof surfaces shall be determined by measurement to the eave of a pitched roof, the intersection of a roof to the exterior wall, or the top of the parapet walls, whichever is greater.
 - b. D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26', exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
 - c. D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
 - d. D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

6. Dead Ends. Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.
7. Gates. Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:
 1. Minimum gate width shall be 20 feet.
 2. Gates shall be of swinging or sliding type.
 3. Construction of gates shall be of material that allow manual operation by one person.
 4. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.
 5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
 6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
 7. Locking device specifications shall be submitted for approval by the fire code official
 8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
 9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.
8. Multi-family Residential Developments - As per Appendix D, Section D106.1 of the 2012 Arkansas Fire Prevention Code Vol. 1. Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.
 - a. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all building, including nonresidential occupancies are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.
 - b. As per Appendix D, Section D106.2 of the 2012 Arkansas Fire prevention Code Vol. 1. Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided

with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

9. Fire Hydrants. Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code. Section C101 – C105, in conjunction with Central Arkansas Water (Jason Lowder 501.377.1245) and the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501.918.3757 or Capt. John Hogue 501.918.3754). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: Location is served by METRO on multiple routes at the core of the transit system. We support the rehabilitation of transit accessible housing and jobs in the downtown core. We recommend the streetscape be modified to create a more pedestrian friendly and accessible bus stop area to accommodate our existing transit stop. Current data for the past 6 month period show 1300+ boards at this location which is significant.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review and approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.gov or
Mark Alderfer at 501.371.4875; malderfer@littlerock.gov.

Planning Division: This request is located in Downtown Planning District. The Land Use Plan shows Mixed Use Urban (MXU). The Mixed Use-Urban category provides for a mix of residential, office and commercial uses not only in the same block but also within the same structure. This category is intended for older "urban" areas to allow dissimilar uses to exist, which support each other to create a vital area. Development should reinforce the urban fabric creating a 24-hour activity area. Using the Planned Zoning District or the Urban Use District, high and moderate density developments that result in a vital (dense) pedestrian oriented area are appropriate. The applicant has applied for rezoning from UU (Urban Use) to PCD (Planned Commercial District) to allow UU, Urban Use District uses and to allow Multi-family at a density greater than typically allow per UU (Urban use) District.

Master Street Plan: North of the properties is West Capitol Avenue it is shown as a local street on the Master Street Plan. East of the Property is South Main Street and is it shown as a Minor Arterial on the Master Street Plan. The primary function of a Local Street is to provide access to adjacent properties. Local Streets that are

abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". A Collector design standard is used for Commercial Streets. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on South Main Street since it is a Minor Arterial. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class III Bike Route shown on South Main Street. These bike routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

Landscape:

1. Site plan must comply with the Little Rock Zoning Ordinance, Section 36-342.1, UU Urban Use District and the City's landscape and buffer ordinance requirements.
2. In accordance with the UU zoning district street trees a minimum of three-inch (3") caliper will be required. The trees shall be located a minimum of two (2) feet off the back of a curb, placed thirty (30) feet on center and no closer than thirty (30) feet to a street intersection. A water source shall also be provided. The tree canopy shall be maintained at least eight (8) feet above the sidewalk. A franchise agreement must be obtained from Little Rock Public Works to place landscape materials in the public right-of-way.
3. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

G. SUBDIVISION COMMITTEE COMMENT: (June 28, 2017)

Mr. Jacob Chi was present representing the request. Staff presented an overview of the item stating there were additional items necessary to complete the review process. Staff stated any balconies over the public rights of way would require a franchise agreement. Staff stated street trees were required along Capitol Avenue. Staff questioned if there would be a food store, less than 5,000 square feet, selling beer and wine.

Public Works comments were addressed. Staff stated any broken curb, gutter or sidewalk that was damaged in the public right of way was to be repaired prior to the issuance of the certificate of occupancy.

Landscaping comments were addressed. Staff stated a water source within 75-feet of the plant materials was required. Staff stated the tree canopy was to be maintained at least eight (8) feet above the sidewalk. Staff stated the placement of the trees in the right of way would require a franchise agreement with the City.

Staff noted the comments from the various other departments and agencies. Staff suggested the applicant contact the departments or agencies directly with any questions or concerns. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted revised comments to staff addressing concerns raised at the June 28, 2017, Subdivision Committee meeting. The applicant is requesting to maintain the UU, Urban Use Zoning District uses as allowable uses for the property. The applicant has indicated any potential restaurant user may have outdoor dining within the public right of way and is requesting to utilize the right of way for outdoor dining. The outdoor dining area would comply with the provision of the UU, Urban Use Zoning District in that the number of seats in the outdoor seating area will not exceed 50 percent of the seats within the eating place, bar or lounge. The applicant has indicated the areas of outdoor dining will fully comply with the ordinance requirements and will not obstruct pedestrian movement, fire lanes or areas designated for access by the physically impaired. Fencing will be placed around the outdoor dining areas as required by the State Alcohol Beverage Control (ABC) rules and regulations. The request includes the allowance of multi-family which may result in a density greater than allowed per the UU, Urban Use Zoning District. The UU, Urban Use Zoning District allows for development of multi-family at a density of 72 units per acre.

The applicant is seeking approval of a rezoning from UU, Urban Use District to PCD, Planned Commercial Development District, for the Boyle Building located at 500 South Main Street. The site contains 0.19-acre and is a 12-story building with 91,000 square feet of floor area. The future uses of the first floors of the property may be a combination of restaurant and/or commercial tenants. The applicant has indicated the upper floors will be designed to allow commercial space, office space or multi-family. The applicant has indicated the number of multi-family units has not been determined. The applicant has indicated the desire would be for the approved PCD to allow tenant amenities such as a gym, theater, conferencing area, party rooms, and a proposed rooftop pool and gathering area for guest should the multi-family development prove the need for such amenities.

Within the UU, Urban Use Zoning District no off-street parking is required. The applicant has indicated lighting, will be placed so as to reflect away from adjacent residential structures. The fixtures adjacent to the roadways will be designed to minimize glare to the motoring public. Signage will comply with signage allowed within the UU, Urban Use Zoning District. The applicant does not anticipate the placement of ground signage with the redevelopment of the site.

Section 36-342.1 states objects shall not project from the building façade over the public right of way except for awnings, balconies and signs as specified in Section 36-553. Awnings shall not project more than 5-feet from the building façade and have a minimum clearance of 8-feet above the sidewalk. Balconies over the public

right of way shall have a minimum clearance of 9-feet above the sidewalk. The maximum projection shall be 4-feet. The applicant has indicated a porte cochere will be added and will project into the right of way. The element will not be attached to the building but will be constructed to not compromise the architectural and historical integrity of the building.

The plan includes the placement of a drive lane and a porte cochere within the right of way along Capitol Avenue. The drive lane is proposed 12-feet wide. The applicant proposes to remove the existing trees along Capitol Avenue in order to facilitate the construction and maintenance of the drive lane. The drive lane is being requested in order to remove valet, parking, and other vehicular traffic from Capitol Avenue to allow traffic to flow in front of the building and not impede traffic.

The applicant has indicated the porte cochere may also be utilized if the site is developed entirely as multi-family. Prior to the issuance of a building permit the applicant will need to secure approval from the various utility companies and Public Works staff to ensure proper placement and adequate maneuverability can be maintained.

Section 36-342.1 states street trees a minimum of three inch caliper shall be required. The trees shall be located a minimum of 2-feet off the back of curb and 30-feet on center and no closer than 30-feet to a street intersection with a water source provided. Tree canopy shall be maintained at least 8-feet above the sidewalk. The City has recently completed a streetscape project in this area along Main Street. The request is to eliminate the street trees along West Capitol to allow the placement of the drop-off lane.

Staff is supportive of the request. The applicant is seeking approval of the PCD zoning to allow flexibility for the future redevelopment of the site with a mixture of uses including retail, which would allow for restaurant users, office and/or multi-family. The request includes the allowance of an increase in the allowable density of multi-family for the building should the demand for multi-family at the greater density prove to be marketable. The applicant has indicated tenant amenities such as roof top outdoor activities may be constructed should the future tenants desire these amenities to be provided. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff feels the rezoning request as proposed is appropriate.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

A franchise agreement will be required for any projections into or use of the public right of way.

PLANNING COMMISSION ACTION:

(JULY 20, 2017)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. Staff stated a franchise agreement was required for any projections into or use of the public right of way. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 9 ayes, 0 noes and 2 absent.